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STATE OF NEW-YORK,

IN ASSEMBLY,—July 10, 1851.

Resolved, That the Governor be authorized to appoint a suitable person, as a Commissioner, to embody in a single act, a Common School Code for the State of New-York: such commissioner to report the same to the next legislature, and to be paid the sum of one thousand dollars, out of the contingent fund of this House, besides necessary expenses of clerk hire.

STATE OF NEW-YORK.

EXECUTIVE DEPARTMENT,

Albany, August 4, 1851.

SIR: In consideration of the many services you have rendered to the cause of Common School Education in this State, and of your eminent qualifications for the discharge of the duty, I appoint you a Commissioner "to embody, in a single act, a Common School Code for the State of New-York," in pursuance of a resolution of the Assembly: passed, July 10, 1851.

Very respectfully,

WASHINGTON HUNT.

SAMUEL S. RANDALL, Esq., Albany.

The undersigned, appointed by the Governor a Commissioner, in pursuance of the resolution of the Honorable the Assembly, on the 10th of July last, to embody in a single act, a Common School Code for the State of New-York, has the honor to submit the following

REPORT:

The Common School system of the State of New York, is, justly, the pride and boast of its inhabitants. Its foundations were laid at an early period of our history; and the essential materials of the superstructure were brought together and arranged by the legislatures of 1812, '13 and '14, under the auspices of the leading statesmen of that day. During the forty years which have since elapsed, various alterations and modifications have, from time to time, been incorporated into the system then established; but its principal features have, with few exceptions, remained unchanged. They have thus become familiar to the people, and while experience has, in all essential respects, vindicated their wisdom and utility,

they have commended themselves to the popular acceptance and regard by the simplicity of their provisions, and the adaptation of their details to the object for which they were designed. In the execution of the commission devolved upon the undersigned, he has not deemed it either expedient or desirable to make any other or farther innovations upon the system thus consolidated and matured, than such as an enlightened public opinion seemed clearly to demand or the results of experience, in its practical administration, to justify or require.

In reference to the various alterations of the existing law, which have been thus proposed, a full and free consultation has been had by correspondence and otherwise, not only with the most eminent and distinguished friends of education throughout the State, but with a large number of those who are, and for many years past, have been practically engaged, in the administration of the system. Whenever the views of any considerable number of these gentlemen differed in any essential respect, from those of the undersigned, as to the expediency or necessity of any proposed change, he has deemed it his duty to give effect to the former, rather than pertinaciously to insist upon his own pre-conceived opinion; and, taken as a whole, the code herewith submitted, may be regarded as in substantial conformity with the wishes and views of the friends of education generally, so far as the undersigned has been able, from the most extensive facilities for information, to obtain a knowledge of those wishes and views.

A copy of the circular forwarded to these gentlemen, and of the replies of several of them, has been appended to this report: from which the legislature will be able to deduce their own inferences, as to the prevailing tendency of the public sentiment, so far as it may be indicated by the correspondence thus submitted.

The prominent changes in the existing system, which the undersigned has deemed it his duty to recommend, and which has been incorporated in the code herewith submitted, are,

1. The separation of the office of State Superintendent of Common Schools from that of Secretary of State, and its erection into a separate and distinct department.
2. The substitution of a permanent tax of one mill on every dollar of real and personal property of the State, for the present state tax of \$800,000.
3. The restoration, in a modified form, of the office of County Superintendent of Common Schools.

1. The separation of the office of Superintendent of Common Schools from that of the Secretary of State, and its erection into a distinct department, is believed not only to be imperatively required by considerations of public policy, but to be fully in accordance with public sentiment.

At the organization of the system, this office was created by the legislature, and its functions devolved upon an eminent and able officer, under whose super-

vision the important interests involved were judiciously and acceptably administered for a period of six years. At the expiration of that time, a combination of circumstances, growing out of the political movements of the day, and entirely unconnected with the condition of the system of public instruction, induced the legislature, to attach this department to that of Secretary of State. Neither the duties devolving upon that office, nor those connected with the general supervision of the schools, were at that period, very onerous or important. These great interests of the State which grew out of the completion of our system of internal improvement, and the consequent expansion of the various avenues of business, had not then been committed to the charge of the administrative officers of the government: and the whole number of school districts in the state did not exceed seven thousand; in which only about three hundred and forty thousand children were under instruction.

Within the thirty years which have since elapsed, the duties devolving upon the Secretary of State have been immensely augmented, and in his capacity, as one of the Commissioners of the Land Office, of the Canal Fund and Canal Board, as a Trustee of the State Library, of the Capitol, and of other public buildings, and as one of the Regents of the University; so great a multiplicity of avocations have been committed to his hands, as in conjunction with the performance of the duties originally appertaining to his office, imperatively to demand and require the devotion of the entire time at his disposal, and of all his intellectual as well as physical energies. In the mean time the department of public instruction has been materially extended and enlarged; the number of districts having increased to nearly twelve thousand; the number of children under instruction to nearly eight hundred thousand; the amount of public money annually apportioned and distributed, from sixty thousand to upwards of one million of dollars, and the entire expenditure of the system, from less than one hundred thousand to more than three millions of dollars. The official correspondence of the department has immensely increased; its jurisdiction on appeal and otherwise, has been extended so as to embrace all controversies arising under the various provisions relating to common schools, and the amount of business devolved upon it so greatly augmented as to require the entire attention of a separate officer, whose whole time and energies should be devoted to its administration. The daily correspondence of the department alone, is sufficient to demand the services of an able and experienced officer.

In the absence of any intermediate officer, whose duty it is to communicate the requisite information, the superintendent is called upon to explain the various provisions of the school law, and to apply them to the continually changing circumstances of twelve thousand school districts; and so great has been the pressure of this correspondence alone, that for the past ten years, it has been found utterly impracticable to make any record of the various opinions given, or even to keep copies of the substance of the answer returned. In addition to this exhausting and laborious duty, and to the examination and decision of the numerous appeals, from time to time brought, involving, not unfrequently, very voluminous and complicated statements and counter-statements, the duty of apportioning the State tax of \$800,000, among the several Counties of the State, and its avails, together with those of the school fund, among the several counties, cities and towns, annually devolved upon this officer: the preparation of the necessary forms, instructions and expositions for the use of the officers

and inhabitants of the several districts; and of the annual report required from the department, with its voluminous tables; the annual visitations and inspections of the Institutions for the Deaf and Dumb and Blind, and the selection of state pupils for those Institutions; the general supervision of the State Normal School. These and other responsible duties, embracing, as they do, the whole field of elementary public instruction, and affecting, directly or indirectly, the interests of the entire community, seem clearly to demand the establishment and efficient organization of a distinct and separate department.

There can be no valid reason why the comprehensive and responsible functions of this office should be attached as an appendage to another, and one totally dissimilar in all its requisitions; especially when the legitimate business of each is more than sufficient to task all the energies and occupy all the time of its incumbent. It is freely conceded that under all these disadvantages, the eminent individuals who have successfully administered the department, have faithfully and satisfactorily discharged the high duties confided to them; but it is believed that this fact in no measure, detracts from the strength of the argument for the separation of these incongruous functions.

Neither public policy, nor a just regard to those considerations which should actuate the legislature in the distribution of civil employments, require that an unnecessary and onerous accumulation of duties should be devolved upon any public officer. It is well known that the supervision of the interests of public instruction have no more necessary or appropriate connection with the office of the Secretary of State, than with those of the Comptroller, Attorney General, or any other department of government; that the chief performance of these duties is unavoidably devolved upon a subordinate officer, and that no one individual, however able or industrious, can master the details and fulfil the obligations of both these offices, without a pressure upon his time and energies which no government is justifiable in exacting.—These various considerations seem conclusive in reference to this question; and it is believed the time has arrived when a department of the government so important as that which takes cognizance of the entire interests of elementary public instruction should be disconnected from any other, and placed upon an independent and permanent basis.

2. The substitution of a permanent mill tax upon all the taxable property, real and personal, of the State, in lieu of the present sum of \$800,000, is recommended for the following reasons:

1. The amount which each individual will be called upon to contribute, for the support and maintenance of the common schools, is *fixed* and *definite*, with reference to the valuation, by the town assessors, of his property. Under the existing provision, the tax payer, when called upon for his share of the aggregate amount to be raised, has no means of knowing what proportion or percentage of the whole he contributes; and such payment, mingled as it is, with other town, county and state taxes, is incapable, without much difficulty, of being separated from them.

2. Such amount is so trifling and inconsiderable when compared with the importance of the object which it secures, that no individual will be likely to object to its payment. For every thousand dollars of taxable property which he possesses, he will be called upon annually, to contribute one dollar; and from this fund, in lieu of all other state, county or town assessments, the schools of the twelve thousand districts of the state will be enabled to be kept open, without charge, during the entire year.

3. The proposed provision will be *permanent and self-adjusting*. It will increase with the increasing aggregate valuation of the taxable property of the state, and be capable of meeting the increased educational demands of the several school districts, without the necessity of any additional legislation.

4. It will practically render our schools *free*, dispensing with the necessity of rate-bills, avoiding the odium of *exemptions* in the case of indigent persons, and placing our entire system of common schools upon that high and commanding basis which public sentiment has unequivocally indicated, and the nearly unanimous opinion of every enlightened friend of education long demanded and approved.

That the property of the State should, under the legislative sanction and direction, provide for the education of all its future citizens—to that extent, at least, which shall prepare them, both intellectually and morally, for the proper discharge of all the duties and responsibilities devolved upon them as members of the commonwealth,—is a proposition which, however it has been controverted by arguments addressed to the *selfish* propensities of our nature, every sound principle of legislation will be found to sustain.

At a very early period in our history, as a people, it obtained admission into the hearts and lives of the "Pilgrim Fathers," and was by them solemnly recognized as the paramount and fundamental duty of every christian state. They incorporated it into the legislation of their infant colony; and from that time to the present, through all the vicissitudes of their remarkable history, it has remained as a permanent and durable monument of their wisdom and foresight. Under its auspices New England, and especially Massachusetts, attained to that high eminence in physical wealth and intellectual and moral greatness which she now enjoys; and whenever, and to whatsoever portion of our widely extended territory her sons have transferred their energies and enterprise, they have carried with them, and sought to naturalize that noble principle which made them what they are. For a period of two centuries, the schools of Massachusetts have been free to every child within her borders, and the expense of the elementary education of all her future citizens has annually been defrayed by a tax upon property. And during the whole of this long period, among a people peculiarly sensitive to every infringement upon their rights, and ready at all times to peril their lives and fortunes for their vindication, no individual has been found to question or to doubt the propriety or the expediency of such an appropriation. Here statesmen and legislators appear to have been imbued with the conviction, that the well being and prosperity of any community were indissolubly identified with the moral and intellectual culture of its citizens; that the duty of providing for this culture was as imperative and as sacred as any other obligation incumbent upon the government; that it was, indeed, paramount to all others; and that no government had a moral right to overlook or to neglect this fundamental duty.—While they conceived themselves authorized to appropriate the common property of the state, to the protection, maintenance, and support of its material interests, both external and internal, to its defence in war, and its safety and advancement in peace, to the organization and support of tribunals for the administration of justice and the punishment of crime, and to the erection and support of asylums for the indigent and afflicted, they entertained, no doubt, that in the establishment and perpetual endowment from the funds of the State, of seminaries of learning for its youth, they were most effectually providing for the permanent welfare and highest interests of the

commonwealth. Nor has the rich experience of two centuries convicted them of any error in this respect, or given occasion to any alarming apprehensions, that they had misconceived either the extent of their power, or the expediency of its exercise. From their restricted territorial domain an extensive emigration has been constantly going on into other portions of the Union; and wherever her enterprising citizens have transferred themselves—whether to the remote settlements of the far West, the neighboring Middle States, or the Southern and South-western portions of the Confederacy,—there they have carried with them, and engrafted wherever they were able, upon the institutions of their adopted homes, the principles of Universal Education, through schools free to all and supported at the common expense. And wherever this great principle has found admission, it has never, without a solitary exception, been repudiated or discarded. It has invariably and uniformly commended itself to the sound judgment and best affections of all classes, and of every interest. It has brought within the powerful influence of intellectual and moral instruction, thousands and hundreds of thousands of the future citizens of our country, who, but for its recognition and adoption, might have grovelled in ignorance or swelled the ranks of ignominy and crime. It has augmented to an inconceivable extent, the wealth and resources, the enterprise and energy, the talent and moral worth of every community where it has prevailed; it has diminished crime, restricted the spread of pauperism, fostered industry, promoted temperance and sobriety, extended and diffused knowledge, and all the arts of peace, and prepared the way for the noblest and highest triumphs of christian civilization.

It is this principle which is sought to be fully and definitively engrafted upon our own common school system, by the provision under consideration: a principle which has received the sanction of the most eminent and revered of our statesmen: the practical operations of which have been thoroughly tested in our principal cities and villages: which has been repeatedly and deliberately approved by a large majority of the electors of the state: once and again recognized and sustained by the legislature: and which now requires for its permanent and practical adoption, as a fundamental principle of our institutions, only such an appropriation as shall be fully adequate to the maintenance of free schools during the whole of the period for which they may be kept open in the various school districts of the state.

By the existing provisions of law, common schools are declared free to every child between the ages of four and twenty-one, for such a length of time in each of the districts, as its distributive share of the eight hundred thousand dollar state tax, and the annual income of the common school fund will provide. When these funds are exhausted, the expenses of the schools are to be provided for by a rate-bill, against the parents and guardians of the children, to be made out by the trustees, in proportion to the whole number of days, and of children sent by each, exempting wholly or in part, as they may deem most expedient, indigent inhabitants; and also, exempting from the operation of the warrant on such rate bill, such property as was, prior to the passage of the homestead exemption act, exempt from levy and sale on execution or civil process.

The practical operation of these provisions will be comprehended by a glance at a few statistics embraced in the annual report of the State Superintendent, for the year 1851. From that document it appears the whole amount *expended* in the several school districts of the state, for the payment of teach-

ers' wages, and the purchase of school apparatus and books for the school libraries, during the year embraced in the report, was \$1,432,696.26; and that the schools during that year were taught for an average period of eight months, in the respective districts, by duly qualified teachers. One million and a half of dollars, in round numbers, may, therefore, be safely assumed as the *minimum* of the actual present cost of supporting schools throughout the state, for an average period of eight months in each year. Less than this, will not, it is presumed, at any future period, be required for this object; nor will any one probably be found desirous of restricting the average term of school to a less period than eight months. The whole amount now capable of being realized from the funds provided by the state, under the existing law for this purpose, is \$1,100,000: a sum barely sufficient, under the most economical administration, to cover the expenses of the schools for an average period of six months: leaving the residue of the time during which they are kept in each year, to be provided for by the vexatious and annoying process of rate-bills. The aggregate valuation of the real and personal property of the state, as ascertained by the returns, by the several assessors, under the new and improved system now in force, is about \$1,100,000,000; and it is quite improbable that it will, at any future period, fall, materially, *below* this standard. A mill tax on this amount will yield the sum, in connection with the school fund, of \$1,400,000: an amount amply adequate, but no more than adequate, to the liberal support of the schools, for an average period of ten months during each year; and if judiciously expended, capable, with the means already at the disposal of many of them under local laws, of meeting the entire wants of each separate school district throughout the state. As the aggregate valuation of the property of the state increases, it is fairly to be presumed, the educational demands of the community will increase in an equal proportion, and the funds thus provided will keep pace with this increase, without the necessity of additional legislation. Even should the number of districts remain substantially the same, there will be a steady augmentation of the number of children annually, to be brought within the influence of the schools; and it may reasonably be expected that a higher standard of qualification on the part of teachers, will be demanded, involving the necessity of a higher remuneration, and the permanent transference, to this most laborious, honorable and useful profession, of a higher grade of talent and ability.

That a permanent provision of this kind would prove extensively beneficial in its effects upon the community at large, there can exist scarcely a doubt. Such an expenditure would return back upon every interest of society a vast and continually increasing amount of remuneration. It would constitute an investment infinitely more durable and profitable than any which the calculating wisdom of the mere financier, however able or skillful, could command, and regarded in a mere pecuniary point of view, would amply vindicate the prescience and the foresight of the legislature, which should authorize its adoption. In its political and moral effects, the wide and universal diffusion of knowledge, and the inculcation of virtuous principles, and habits which it would inevitably secure, could not fail of reacting, with a most beneficial influence, upon all our civil and social institutions.

3. The restoration of the office of County Superintendent in a modified form, and accompanied with such restrictions and limitations as experience has demonstrated to be necessary and desirable, is, in the judgement of the undersigned, *absolutely indispen-*

ble to the efficient administration of the common school system of the state. Its creation was originally demanded by the nearly unanimous representation of the most able and distinguished friends of education, in 1839 and 1840, after a personal visitation and inspection of the schools, in different sections of the state, and a careful and thorough investigation of the whole subject. During the interval which elapsed, from the appointment of this class of officers in the several counties, to the period when the office was abrogated by the legislature, in 1847, a marked, substantial, and most gratifying improvement had taken place in our schools throughout the state; and at no previous or subsequent period have they ever been so rapidly advancing in usefulness and efficiency.— This fact, of itself, speaks volumes in favor of the instrumentalities by which so much good was accomplished; but it will be evident, at a glance, to any one who will give to the examination of the subject, an ordinary share of reflection, that it could scarcely have been otherwise. Eleven thousand school districts, each adopting its own standard of education, government, and discipline: pursuing its own course of study and improvement: and recognizing no other standard of progress or advancement than such as happened, from time to time, to be communicated to it by the occasional visitation of a town officer, or to be adopted by an itinerant teacher, were obviously incapable of successfully working out the great problem of education. They constituted, to all practical interests and purposes, so many isolated and independent communities, with no apparent common interest, and no means of extending their sphere of usefulness, even within their own restricted limits. To a very great extent, they were virtually precluded from profiting by the numerous and manifold improvements, which the progress of educational science had introduced into the several departments of elementary instruction; and even conceding the practicability of bringing all the schools of each town within the influence of these improved processes, and of that mutual rivalry which so manifestly tends to invigorate and strengthen each, the progress of improvement stops here, and is not co-extensive, as it clearly should be, and is capable of becoming, with the territorial limits of the entire state, and by reflection with those of other states and counties.

It had, however, become notorious, and the official returns, annually made to the department, amply corroborated the general belief, that a large majority of the schools of the State were wholly neglected by the local officers, whose function it was to supervise their interests and improve their condition. Of the 10,127 school districts in the state, in the year 1839, 5,730, or considerably more than half of the whole number, had not been visited at all, and the far greater portion of the residue, merely formally, and very superficially, and this may be taken as a fair specimen of the state of things, at that time, existing throughout the state. Under such circumstances, it would have been idle to expect any substantial improvement in the schools, or any considerable degree of advancement in their condition. The important element of complete and thorough *supervision*, so indispensable to the progress and success of any enterprise of this nature, was wholly wanting. Very little interest was manifested by parents, and the community, generally, in the prosperity of the schools; the teachers were, to a very great extent imperfectly qualified for the discharge of their responsible duties; and each school, moving in its own narrow and restricted orbit, had no opportunity of comparing itself with other schools, either in its own immediate neighborhood or in a wider circuit.

The system of county supervision, adopted by the legislature of 1841, on the strong recommendation of the then State Superintendent, (the Hon. JOHN C. SPENCER,) and of the various County Visitors appointed by him, gave, at once, a new and vigorous impulse to the whole machinery of public instruction. The schools were, for the first time, universally visited, and thoroughly inspected. Each county superintendent personally examined the condition of every school within his jurisdiction, and, in conjunction with the town superintendent, trustees, and as many of the inhabitants of the district as he could induce to co-operate with him in this work, ascertained the qualifications of the teacher, his mode of instruction, government and discipline, and the progress made by the pupils; compared its condition, in all these respects, with that of other schools in the same town and county; pointed out such defects as, in his judgement, demanded reformation; and by personal appeals, familiar lectures, and public addresses, enlisted the energies and affections of parents, and residents of the district, in the welfare and improvement of the school. But his labors did not cease here. He inquired into the administration of the affairs of the district, counselled and advised with its officers, inspected all its arrangements, with regard to the convenient accommodation of the children with suitable school houses, out houses, play grounds, scientific apparatus, text-books, maps, globes, charts, &c., and what, perhaps, tended more to the substantial welfare of the district than all the other agencies combined, adjusted, on the spot, all those controversies, bickerings, and dissensions which prove so fatal to the union and harmony of the inhabitants of school districts, and so disastrous to the efficient maintenance of their schools. These duties, faithfully and conscientiously performed, the result of the whole was embodied in a detailed report to the head of the department, accompanied with such general suggestions for the further improvement of the schools under his supervision, as his experience and observation seemed to demand. By the annual publication of these reports, and their distribution throughout the state, a mass of exceedingly valuable and important information was periodically distributed over the entire surface of the community; and the inhabitants, teachers, and officers of each of the eleven thousand school districts of the state, were enabled to profit by the excellencies, and to avoid the defects of every other. Nor were the facilities which were afforded under this excellent system, to the several county superintendents, of assembling together, as a body, and of free and full interchange, by correspondence and otherwise, with the head of the department, among the least of the benefits which followed in its train. The perfection, harmony, and uniformity of the system, under this organization: the rapid and marked improvement of the schools: the vast amount of valuable information annually obtained, with reference to their condition, prospects and capabilities: the unprecedented interest everywhere felt and manifested in their welfare and success: the steady diminution of district controversies and dissensions: and the expansion and elevation of the course of instruction, and of intellectual and moral culture, which almost universally prevailed: all the influences combined to direct the attention of the enlightened friends of education, in our own, and other states, to this most valuable and successful feature of our system.

It may not be inappropriate, in this connection, to cite the strong expressions of approbation which were elicited from some of the ablest and most experienced of our public men—whose opportunities of witnessing the practical operations and results of the system

were most full and abundant—whose knowledge of the whole subject was ample and undoubted—and in whose calm and clear judgement the utmost confidence may be fully reposed. The late Col. SAMUEL YOUNG, who succeeded Mr. SPENCER, in the office of Superintendent of Common Schools, and who came to the discharge of the high duties appertaining to his station, with a strong prejudice against the system of county supervision, and a determination to dispense with it, if possible, after an investigation of its claims, and a witness of its results, bears the following decided testimony to its excellencies, in his first annual report to the legislature, in 1848: "County Superintendents, properly qualified for the discharge of their functions, possessing a competent knowledge of the moral, intellectual and physical sciences, familiar with all the modern improvements in elementary instruction, and earnestly intent on elevating the condition of our common schools, can do much more to accomplish this desirable result than all the other officers connected with the system. Acting on a broader theatre, they can perform, more efficiently, all that supervision which has been so deplorably neglected, or badly executed. The system of county superintendents is capable of securing, and can be made to secure the following objects:

"It can produce a complete and efficient supervision of all the schools, in reference, as well, to their internal management as to their external details:

"It can be made to unite all the schools of the state into one great system: making the advancement of each the ambition of all: furnishing each the means of attaining the highest standard of practical excellence, by communicating to it every improvement discovered, or suggested, in every or any of the others:

"It can do much towards dissipating the stolid indifference which paralyzes many portions of the community, and towards arousing, enlightening, and enlisting public sentiment in the great work of elementary instruction, by systematic and periodic appeals to the inhabitants of each school district, in the form of lectures, addresses, &c.:

"It can be made to dismiss from our schools all immoral and incompetent teachers, and to secure the services of such, only, as are qualified and efficient, thereby elevating the grade of the schoolmaster, and infusing new vitality into the school."

In his annual report for the subsequent year, he observes: "The appellate jurisdiction conferred upon the county superintendents, over the several acts and proceedings of town and district officers, relating to common schools, has been productive of very beneficial results, and it is believed that no more efficient means of dispensing equal, exact and speedy justice, could be devised than has been provided for."

In his report for 1845, he says: "Seventy county officers possessing the confidence of their fellow citizens generally, distinguished by their devotion to the cause of education, for their scientific attainments and moral worth, acting under the immediate direction and supervision of the State Superintendent, and each within the jurisdiction assigned to him, carrying into efficient operation, a system of supervision, instruction and discipline, sanctioned by the most enlightened experience of the age, aided and sustained by nine hundred town officers, imbued with the same spirit, and participating in the same generous emulation, and operating directly, or indirectly, through the agency of the trustees, upon the teachers of eleven thousand school districts, necessarily exert a powerful influence in carrying forward the spirit of improvement, in diffusing knowledge and promoting the advancement of sound learning."

The Hon. CALVIN T. HULBURD, of St. Lawrence, Chairman of the Committee on Colleges, Academies, and Common Schools, of the Assembly, in 1843, in an able report, made at that session, after enumerating the various advantages to be derived from the system, observes: "After a full and deliberate investigation, the committee have, unanimously concurred in the preservation of the county superintendent system: believing it to be, with the additional power now conferred, (that of jurisdiction on appeal,) not only the most economical and efficient, but the most important provision in our complex and extensive organization of public instruction."

Mr. L. H. BROWN, Chairman of the same committee, in 1845, after a thorough and able investigation of the whole subject, says: "No benefit would be likely to accrue, from abolishing the office of county superintendent, which would not be more than counterbalanced by the evils that would necessarily ensue. Public attention has been called to the state of the schools; the importance of giving such a character to the district school as would supersede the necessity of select schools, has been made evident; a demand for an improved order of teachers, and for more uniformity in text-books, has been induced; a better style of school edifices has been substituted; and a marked improvement has taken place in the manner of the scholars, as well as in their attendance and proficiency. These are believed to be the legitimate results of a good system of county supervision."—"These officers have brought about a new era in the state; they have done more for the cause of primary education, within three years, than had been done for half a century previously."

The Hon. HORACE MANN, of Massachusetts, in his annual report, as Secretary of the Board of Education, of that state, for the year 1845, says: "The great state of New York, by means of her county superintendents, State Normal School, and otherwise, is carrying forward the work of public education more rapidly than any other state in the Union, or any country in the world."

The Hon. HENRY BARNARD, now Superintendent of Common Schools of the State of Connecticut, and formerly Commissioner of Public Schools of Rhode Island, in an address delivered before a State Educational Convention, at Syracuse, in April, 1845, says: "I have watched the progressive improvement in the organization and administration of the school system of this great state, with intense interest; and I regard it, at this time, as superior to any other of which I have any knowledge, for its extent, its liberality, its efficiency, and general intelligence and activity with which its wide-spread affairs are administered. Resting on the broad basis of the whole people—acting through the minute territorial subdivisions of school districts, this admirable structure rises harmoniously with the political organization of the state in other respects, through towns and counties, till it finds its natural head in the state, as represented in the legislature, and executive departments; and proceeding hence, its action, at once simple and direct, is spread out through your county and town superintendents, to the trustees of school districts, elected directly by the people, for whom they act, and with whom they sympathize, and whose cordial and intelligent support, as parents and individuals, is the main condition of success, in every one of the eleven thousand school districts. But the most admirable feature in your school system is the provision for county superintendents,—the enlisting of the services of fifty or sixty intelligent men, acting under the specific requirements of the school laws, and the general direction of the head of the school department, directly upon every

school, and every teacher, and every district and town school officer; and very widely upon the parents of the children, as well as the children themselves, within their corporate limits. *There is nothing to be compared with this, in the school system of any other state.* Under the continued operation of this plan of supervision, the spirit of improvement must be aroused and must pervade every town, and every district in the state. I should look upon it as a calamity to the cause of school improvement in other states, should this experiment of county supervision be arrested, or defeated, at this time. *There is nothing, in all the wise legislation of your state, in regard to public instruction, unless, perhaps, the liberal appropriation for district libraries, which the friends of public education elsewhere, are so anxious to see adopted into the school system of their respective states. Its abolition would be everywhere regarded as a long stride backwards.* It would be better to curtail the amount distributed to the schools for other purposes, than to save, in the compensation of this class of officers, whose labors, at least, double the value of all your school expenditures, by awakening and diffusing public and parental interest, and giving life, intelligence and progress, to teachers and local school officers."

But perhaps the most full, and complete exposition of the advantages and benefits to be derived from the system of county supervision, will be found in the following communication, addressed to the undersigned, in 1846, by the Hon. JOHN C. SPENCER, in reply to an inquiry relative to his views on this subject, pending a vigorous, and ultimately successful attempt for the repeal of this provision of the system:

Letter of the Hon. J. C. SPENCER.

ALBANY, March 24, 1846.

DEAR SIR: I cannot refuse a compliance with the request contained in your letter of the 21st inst., to express my views in reference to the bearing which the office of county superintendent of common schools has upon the interests of those schools, assuming that its duties are faithfully discharged. The subject is one of such vital importance to the welfare of the rising generation, and to the whole community, that I should deem myself recreant to the duty of a good citizen, if I should, when thus called upon, withhold the expression of an opinion, however slight may be its claims to consideration.

The views and opinions which were communicated by me, officially to the legislature in 1840 and 1841, upon this subject not only remain unchanged, but have been strengthened and confirmed by subsequent reflection and observation, and by the experience of the last four years. As I can add nothing to what was then said, I beg your indulgence for repeating some of the considerations which, were then urged, in a condensed form.

1. No public or private undertaking can possibly succeed, without some supervision, which can detect imperfections and errors arising from negligence, or incompetency, and can promptly apply the remedial remedy. It would be disrespectful to you, and to every intelligent person who may peruse these remarks, to suppose that this proposition required a single word to demonstrate its truth.

2. To accomplish the purposes of its creation, this supervision must be conducted by those who understand their duties, who are qualified to discharge them, and who are themselves under supervision and responsible to others.

Apply these plain principles to our common schools. There are twelve thousand of them, at least, scattered over the broad surface of this state, in which some

eight hundred thousand children are instructed.—How is it to be known whether these schools are rendering any useful service! How are the defects in their organization, their arrangements, the system of instruction, or the capacity of their instructors, or the fidelity of their officers, to be ascertained without the investigation and scrutiny of competent persons! And how can their deficiencies be supplied, and their errors corrected, without such knowledge!

3. Every other mode of insuring this supervision, than that of local superintendence over a district of country, has utterly failed, and, from the nature of things, must fail. The records of the department show that the simple duty of visiting the schools, by the inspectors of the different towns, has always been grossly neglected. In the year 1839, 4,397 schools, only, out of 10,127, were visited *even once*, during the year. This is taken as a *specimen*,—not as an average,—for it is believed that the average of visits for two years preceeding 1840, would *fall short of this number*. And these visits, when made, were productive of very little benefit. It is no disparagement to our fellow citizens, who were usually chosen inspectors, to say, that generally, they had not themselves acquired the knowledge of the subject which is necessary to enable any one to discharge the duties of such an office. They were not, ordinarily, competent to judge of the qualifications of teachers, or to test the progress of the pupils, by examinations, or to detect the errors of the system of instruction, or to suggest improvements. But upon this point we have the most conclusive evidence, in the reports of the County Visitors, who, in 1840, visited the schools in many counties, and communicated the results of their observations to the department, and which were submitted to the legislature in 1841. [See No. 153 of Assembly Documents of that year.] A reference to their reports, will, at once, satisfy every one of their intelligence, capacity and fidelity. Among them will be found the names of our most distinguished citizens, and conspicuous, particularly for the zeal and devotion they have uniformly exhibited for the improvement of our elementary institutions. Upon this point, of the total inefficiency of the system of inspection and supervision which then prevailed, their testimony is as decided as it is intelligent and disinterested. It is, of course, idle to expect any personal attention to the schools, by the State Superintendent. He can only supervise the whole machinery, by general directions, and keep it in order by watching its general movement, and by regulating and controlling the chiefs of sections, holding them to a strict accountability, and personally acquainting himself with the manner in which they discharge their duties.

It is evident, then, I think, that unless the present, (the county,) or some similar system of local inspection and supervision be maintained, there will be none whatever, and our schools will be left wholly to the management of their teachers, without any efficient responsibility, and at liberty to discharge or neglect their solemn duties, as may suit their own convenience, without aid or advice to sustain them,—to point out their errors, or to suggest improvements.

The present system (that of 1841,) is a harmonious whole: the result of many years of gradual development of the necessities of the schools, and the means of supplying them. It has been matured slowly, step by step, by the wisdom and patriotism of men of all parties and denominations, until it has reached a degree of perfection that challenges the admiration of all our sister states. And no one feature has met with such universal approbation as that

now under consideration,—the arrangement and distribution of what may be termed the executive department. You and I know the estimation in which this feature is held by those distinguished friends, advocates and laborers, in the cause of elementary instruction, HORACE MANN, of Massachusetts, and HENRY BARNARD, the Secretary of the Board of Education of the state of Connecticut. They consider this feature as placing our system altogether above those of their own states, and as furnishing, in itself, the means, equally certain and practicable, of future improvement.

The opinions of that ardent and active, and laborious friend of education, Dr. ALONZO POTTER, who has lately removed from us, are also well known. He had observed the operations of the system with all the anxiety of a devoted friend, and the convictions of experience corroborated and confirmed all his anticipations of the absolute necessity of such superintendence. In this connection should be noticed the testimony of our disinterested, most intelligent, and devoted friend, the lamented FRANCIS DWIGHT. You know how intensely this very subject occupied his mind during the last year of his most useful life, and with what care and labor he was collecting information, to lay before the legislature, in order to show the inestimable importance of the existing plan of local superintendence, to the success, and even to the useful existence of our common schools. His minute and thorough acquaintance with the working of the system throughout the state—his disinterested and noble devotion to the cause—and the frankness with which he yielded his opinions to the force of evidence and of truth—render his testimony worthy of the most profound respect and consideration. He believed that where the duties of county superintendents had been performed, with anything like fidelity, they had been eminently beneficial; that the schools had improved, the teachers had improved, parents were awakened to a sense of the importance of these nurseries of mind, and the general sympathy of the community, in favor of the schools, and their improvement, had been excited, invigorated, and extended. From the facts and results which he communicated to me, from time to time, for several months previous to his death, I came to the same conclusion which he had formed,—that the plan of inspection and supervision, through county superintendents, had worked admirably in every county where it had been fairly and honestly executed, and that it was the mainspring of our whole system, which kept it in life and motion, and regulated its movements, in a manner, as perfect as could be accomplished by human contrivance. And I heartily and entirely concurred with him, that if this main-spring was removed irregularly, disorder and confusion, would inevitably follow—the present strong feeling in favor of our schools, would not only subside, but that there would be great danger of its giving place to disgust and disappointment.

So far as I can learn, but two objections have been made to the present system. One is, that in some instances there have been unfortunate selections of persons, as county superintendents, and that these persons have neglected their duties, and perverted their stations to other than their legitimate purposes. But I cannot bring myself to believe that any intelligent man would be influenced in his judgment of a system, by the negligent or improper conduct of a portion of those who are appointed to execute it. Such a test would prove all our political institutions to be equally unworthy of support; for there is not one of them that has not, at some time, been in incompetent and unfaithful hands. So long as a corrective is vested in the im-

mediate representatives of the people, it is impossible that the evil can be extensive or permanent. The other objection referred to, is the expense to the counties. This cannot exceed \$250 annually, in counties having one superintendent, and in the very few which have more than one, it cannot exceed five hundred dollars—a sum so small that it can constitute but the fraction of a cent in any man's taxation. But if it were a hundred fold more, the question would be, whether it is a *useful expenditure*. This brings me back to the question whether our common school system is of such value to our posterity, that *any expense* ought to be incurred in maintaining and improving it? If the plan of county superintendents is calculated to preserve that system—to render it more capable of good—to secure competent teachers, and insure their fidelity—then a reasonable expenditure for that subject, is, and should be as much a part of the whole system, as the payment of teachers' wages. In principle, then, there is no difference between them.

I have endeavored, in compliance with your request, to show that this plan of county superintendence is *essential to the working of our system*—that it forms an *indispensable link* in the chain of connection between the principal executive and the teacher—between the state and the pupil. Much more might have been said, but I felt the necessity of brevity; less, I could not say. I confess I feel deeply and earnestly, for the continuance of what I sincerely believe to be the most valuable and important feature in our system of popular instruction, and I fervently hope that this legislature will at least allow it an opportunity for more full and extended experiment, in the confident expectation that it will, more and more, command itself to the intelligent approbation of our fellow citizens.

Very respectfully,

Your friend and serv't,

J. C. SPENCER.

SAMUEL S. RANDALE, Esq

With all these strong testimonials before them, the legislature of 1847, nevertheless, saw fit to repeal the act creating the office of county superintendent, and thus, in the judgment of many of our most distinguished and eminent fellow-citizens, to take the first step in that career of retrogradation, which, a few years later, was destined to threaten the entire system with destruction. The schools were again left without any thorough supervision; the interest which had been so powerfully and universally excited in behalf of the welfare and improvement of the schools began rapidly to subside; unqualified and incompetent teachers, driven from the schools by the uncompromising energy and efficiency of the county superintendents, again found their way back, in the absence of those faithful and vigilant guardians; neighborhood dissensions and difficulties, long kept in check, by the judicious efforts and active mediation of these officers, were again revived, and engendered; order and system and harmony no longer prevailed in the affairs of the several districts, and no intimate bond of connection existed, as formerly, between them and the head of the department. The "main-spring" had, indeed, been rudely sundered, and inevitable and necessary consequence of this state of things, was the entire absence of everything like responsibility, or systematic accountability. The provisions of the law were, to a very great extent, either overlooked or disregarded; and the information, indispensable to its successful administration, withheld entirely, or so imperfectly furnished, that it ceased to be reliable or available for any practical purpose. Thousands of

children, entitled to the full enjoyment of school privileges, were deprived from their benefits, by the refusal or neglect of the proper officers to afford their parents, or guardians, the exemption from pecuniary liability, secured by law; and a general feeling of dissatisfaction and discontent, accompanied by an extensive conviction of the inefficiency and inutility of the existing system, took possession of the public mind and feeling. Whether, upon the whole, and in view of the general results which have followed, upon the popular agitation of the various questions induced by this state of things, we may not have cause, ultimately, to congratulate ourselves upon its occurrence, is a question which the future only, can definitely solve. In the meantime, each succeeding Superintendent has annually and earnestly invoked the attention of the legislature to this subject, and strenuously urged the importance—the indispensable necessity to any efficient or useful administration of the system—of a return, in some form, to the plan of county supervision. The sole substantial objection, that of the expense to be incurred in providing for the compensation of these officers—for they should be liberally and generously, not extravagantly paid,—has been fully met by Mr. SPENCER, in the communication above given. If this expenditure is absolutely essential to the practical working of the entire system—as it unquestionably is—and if without it, the whole vast sum annually appropriated to the payment of teachers, and the purchase of district libraries, is liable to be injudiciously and unprofitably applied, instead of accomplishing the great and beneficial purposes for which it was designed,—then, beyond all reasonable doubt, it should not stand for one moment in the way of a return to the only sound and enlightened principle of supervision. It can scarcely be believed that so distinguished and illustrious an array of unimpeachable authorities as have united for a long series of years, in bearing the most full and emphatic testimony, to the soundness and practical efficacy of this principle, can either be deceived themselves, or capable of deceiving others. They have spoken from an enlarged and extensive experience of the system which they advocate; they have diligently and carefully examined the grounds on which it rests; they have familiarized themselves with its operations and with its capabilities; they have counted its cost, and weighed its advantages; and they have deliberately united, in strongly and unreservedly recommending its adoption. Under such circumstances, is it not the part of wisdom to heed the admonitions and counsels thus brought to our regard?

Entertaining views substantially in accordance with those which have just been cited, and fully aware, from long and familiar experience in the practical details of the system, of the absolute necessity, and great utility of this species of supervision, the undersigned, in the performance of the duty devolved upon him, on this occasion, cannot hesitate to urge its immediate adoption as a measure of paramount importance to the harmony and success of our existing school organization. With the view, however, of obviating all objections growing out of the alleged tendency of the proposed office, to come in collision with the duties imposed by law on the respective town superintendents, the principal functions recommended to be conferred on the county superintendent, are those of the general supervision of the schools, by co-operating with the state superintendent, on the one hand, and the several town superintendents on the other, in carrying into effect the various provisions of the law, and the instructions of the department; by acting as the recognized channel of communication with the latter, in the preparation of official reports, and

the transaction of ordinary official business; and by hearing and deciding, in the first instance, subject to ultimate revision by the state superintendent, all appeals and controversies arising in the several school districts under his supervision; leaving him at liberty to exercise a sound discretion in reference to the visitation of the schools, and such other means of usefulness as may present themselves in the ordinary discharge of his duties.

It has also proposed that the county superintendent be elected for a term of three years, by the town superintendents of the several towns in his county, assembled together for that purpose, as a Board; that his duties be strictly defined, and his compensation provided for from the school fund, and payable only on the certificate of the state superintendent, that his duties have, in all respects, been faithfully performed. These provisions will, it is believed, obviate all the objections heretofore made to the office, arising either from the collision of its functions with those of the town superintendents, or from the necessity of local taxation for the payment of the incumbent. The Board of town superintendents will undoubtedly be better able to appreciate, and to secure the peculiar qualifications requisite to the efficient performance of the duties devolved upon this officer, than any other body of men; and instead of regarding him, as heretofore, in too many instances, with jealousy and distrust, as a rival power, they will look upon him as a co-ordinate officer, of their own selection, fully entitled to their confidence and respect, and capable of materially aiding them in the performance of their own duties.

With these restrictions and modifications, the hope is earnestly indulged, that this important and salutary feature may again, and permanently be engrafted upon our system.

4. The remaining alterations proposed in the existing system, involve, it is believed, no fundamental change of principle, and are designed either more perfectly and fully, to carry into effect the obvious intention of the legislature, or to adapt existing provisions to a state of things not anticipated, or fully provided for by the framers of the law. It could scarcely fail to happen that, in the course of thirty or forty years, or even in a much shorter period, the every-day practical administration of a system so complicated as ours, and affecting so great a variety of interests, should develop many imperfections and omissions in its details,—too slight, perhaps, to warrant, in any case, legislative interposition, and yet amounting in the aggregate, to a very serious impediment to the successful administration of the law. It has been the aim of the undersigned, carefully, to remedy these defects wherever they have presented themselves, and to substitute in their stead, more efficient and complete enactments,—carrying out, as far as might be practicable, the spirit and meaning of the various provisions. In a few instances, however, now to be adverted to, substantive changes have been suggested, the adoption of which is respectfully recommended as improvements upon the system.

1. By an existing provision of law, the trustees of any district interested in the formation of a new, or the alteration of an existing district, are authorized to call in the interposition of the supervisor and town clerk of their respective towns, and the decision of a majority of the Board made up of these officers; and the town superintendent is declared to be of the same validity as though made by the town superintendent alone. This provision was designed to protect the several districts against the hasty and inconsiderate action of a single officer; and to interpose a shield against any local, or personal influence, which

might be brought to bear in the decision of questions of this nature. The statute, however, omitted to require the town superintendent to *notify* the trustees of any district interested, of his intention to make any alteration; and consequently left it in his power, at any time, to evade the interposition of his associates, by his own independent action, without consultation with those concerned. It has, accordingly, been deemed proper to add a provision requiring adequate notice of any proposed alteration, to be in all cases, given by the town superintendent, to the trustees of any district interested therein, in order to enable them, if so disposed, to call in the concurrent action of the supervisor and town clerk.

2. The simplification of the *qualifications* of voters at school district meetings, and the extension of such qualifications, so as to include unmarried females, liable to taxation for district purposes.

No portion of the present school law has given rise to more controversies and misunderstandings, than those which affect the qualifications of voters; and perhaps, in no portion has the laudable zeal on the part of the framers of the law, to specify with great minuteness, the distinction between legal and illegal voters, led to a more general misconception of its meaning. The general principle which the legislature undoubtedly had in view, was to constitute every male inhabitant of the district, of the age of twenty-one years, and upwards, *who had any direct interest* in the affairs of the school, or the administration of the district, or who was liable to be called upon to contribute, in any way, to the support of the school, a legal voter at any district meeting. For this purpose, it is manifestly quite immaterial whether he comes within the class entitled to vote at town meeting, or elections, or not—what length of time he may have been an inhabitant of the town, county, or state, provided, at the time of offering his vote, he is an actual resident of the district,—or whether or not, he is an alien. The simple fact of his residence and liability to contribute to the ordinary expenses of the district, should constitute his qualifications as a voter.

Nor can any good reason, it is apprehended, be shown why *unmarried females*, owning or possessing property in the district, liable to taxation, should be debarred from the right of voting, either in person or by proxy, on any question, the determination of which may affect their pecuniary interest. It is not perceived how this permission can, by possibility, lead to any abuse; and although somewhat of an innovation upon our previous practice, its justice is so obviously apparent, and the principle involved is of such importance, as, in the judgment of the undersigned, to render its adoption eminently desirable. The cases in which the exercise of this privilege would probably be insisted upon, will doubtless be rare; but in very many districts of the state, instances of widows, and other unmarried females, in the possession and occupation of property liable to taxation, and consequently, to be affected by a district vote, will be found to occur; and the right to protect their own interests, and that of those dependent on them, is a sacred right which ought not to be overlooked or disregarded. Even should this right be exercised in person, the occasional presence of one, or more, dignified females in a school district meeting, would detract nothing from its interest, or from the order and harmony of its proceedings.

3. It is proposed that the public money shall be distributed by the town superintendent, among the several reporting school districts, in proportion to the *number of pupils actually attending* the schools therein, and the average length of time they shall have so attended, to be ascertained by the teachers' authenti-

cated lists. The existing system of apportionment according to the number of persons residing in the districts, between the ages of four and twenty-one years, not only seems unwarranted by any sound principle of distribution, but operates with gross inequality and injustice, in very many sections of the country. In city, and village, and manufacturing districts, its inevitable effect is to enhance the amount of public money, beyond all proportion, to the educational wants of the population, at the expense of the rural districts, which absolutely need it. The funds contributed and authorized by the state, should be equitably and fairly distributed, with a view solely to the benefit of those who actually participate in the privileges which they are designed to secure.—Why should a district where the greater portion of the children, under the age of twenty-one years, are engaged in manufacturing establishments, or in attendance at private and select schools, or not attending any, receive a share of this fund, corresponding, not to the number actually availing themselves, during any portion of the year, of the benefits of the school, but to the whole number residing in the district, whether they have ever attended a day, or not,—while in a neighboring district, where, perhaps, every child is kept at school for six or eight months of every year, its distributive share is barely sufficient to warrant the payment of a sum adequate to secure the services of the lowest class of teachers? By the adoption of the proposed principle of distribution, a direct and very powerful inducement is held out for the regular and punctual attendance at the district school, of the greatest number of children, and for the longest possible term. The advantages to be derived from this equitable arrangement, far outweigh, in the judgment of the undersigned all the objections which have been urged against it, from the comparative facilities for regular attendance afforded by cities and villages, over those of the country districts. In point of fact, it is believed the average attendance in the latter is much greater, in proportion to the population, than in the former; but even if the fact were otherwise, the greater the number of children in attendance, and the longer the average term of such attendance, whether in the city, or in the country, the more liberal should be the allowance of the public money. After mature consideration of the whole subject, the undersigned has no hesitation in expressing his strong conviction, that no other mode of distribution of that portion of the public money remaining after the apportionment of one-third, equally, among the several districts, can be devised, than that upon the basis of actual attendance.

4. It has been deemed expedient to substitute, in lieu of the present complicated mode provided for the collection of *costs and expenses* incurred in the prosecution or defence of suits, commenced by, or against, officers of school districts, in the discharge of their official duties, a simple provision authorizing the trustees to levy the amount of such costs and expenses upon the district, when authorized by a vote of the district. It is to be presumed this authority will be conferred in all proper cases; and should it be unreasonably or captiously withheld, an adequate remedy is afforded, by appeal to the state superintendent. It is also proposed that judgement for costs, shall, in no case, be recovered against such officers, in suits brought against them for the performance or omission of any official act which might have been the subject of appeal to the state superintendent; and that, where the court shall certify, on the trial of the cause, that the defendants appear to have acted in good faith, judgement for costs shall be rendered in their favor, whether successful in the suit,

or not. This provision has been deemed absolutely indispensable, to protect officers of districts from those numerous vexatious, and harassing suits, to which they are subjected, even in the most conscientious discharge of their official duties, and for the trouble and expense of which, no adequate remedy at present exists. The state has provided a competent tribunal for the settlement of all these controversies on appeal, without cost or expense to either party. If, therefore, individuals, with the mere view of gratifying vindictive feelings and a litigious spirit, see fit to pass by this equitable mode of adjusting their differences with officers, chosen by themselves, receiving no compensation, and compelled under heavy penalties, to perform onerous and responsible official duties, and to drag them before the ordinary legal tribunals, they should, at least, be made responsible for the costs incurred by this unnecessary, and, in ordinary cases, unjustifiable mode of procedure. Their right to select their own tribunal, is neither denied nor questioned; but the law, whose interposition they invoke, having provided an unexceptionable and inexpensive tribunal, for the full and perfect settlement of this whole class of cases, justice would seem to dilate that, in resorting to another, they should not be permitted to involve their opponents in a heavy and unnecessary bill of costs. The duties imposed upon district officers are sufficiently burdensome, when properly and faithfully discharged, to entitle them, at least, to be exempted from uncalled for and unnecessary litigation, and while the rights of others should be fully recognized and protected, no encouragement should be afforded to a spirit of persecution and petty vindictiveness.

5. Some modifications have been suggested in the existing provisions relative to *district libraries*. The diminution of the annual appropriation for this object, in consequence of the repeal of the law requiring an equal amount to that contributed by the state, to be raised on the respective counties, by tax, would seem to require the appropriation of the residue almost exclusively to the purposes for which it was originally designed; and the amount annually distributed to each district is so small that, in a great majority of cases, the object which the legislature manifestly had in view, in providing the fund, as well as the best interests of the districts, would, it is conceived, be far more efficiently accomplished by the combination of these funds and the establishment of a *town library*, centrally and conveniently located, so as to accommodate the inhabitants generally. At all events, no objection can be perceived to investing the inhabitants of the several districts with power to make such disposition of their funds, either wholly or in part, should they feel so inclined, and a provision to this effect has accordingly been inserted. The advantages of such an arrangement, whenever practicable, would be obvious, in the greater range of selection of books,—the more judicious and economical appropriation of the funds at the disposal of the several districts, and the building up of a valuable library, consisting of standard works, many of which are, under the existing provisions, beyond the reach of the scanty means, at the disposal of the districts separately. In the mean time, each district will retain its present library, with such occasional additions as may be deemed desirable, for the use of those who may feel inclined to avail themselves of its privileges: while a more choice and more valuable collection will be steadily accumulating in the central library, accessible, with very little additional trouble, to all. Too much pains cannot be bestowed upon this most valuable feature of our system of public instruction; and if the incalculable benefits and ad-

vantages which it was designed to secure, can, in any way be improved and extended, and rendered more permanent, even at the hazard of some slight and occasional inconvenience, it seems the part of wisdom and the dictates of a sound policy, to adopt such measures as will have a tendency to produce this effect. The ultimate entire substitution of town, for district libraries, will, it is confidently believed, commend itself to the enlightened judgement of our fellow citizens, but at present it is proposed only to *authorize* such substitution wholly, or in part, whenever desired by the inhabitants of the respective districts.

In connection with this subject, it has also been proposed to except the libraries of the several districts from sale, on the dissolution or annulment of the district, and to provide that the books belonging to them shall be equitably appraised, and divided among the districts to which the inhabitants may be respectively attached, according to the number of children belonging to each. It is obviously quite impossible to realize, on a forced sale, anything like the value of the books constituting the library of the district, and the books themselves, when equitably and fairly distributed, will, not unfrequently, be found a considerable accession to the libraries of the districts to which the inhabitants may have been attached, and will, at all events, continue to be used and to be appreciated.

6. The trustees of school districts are imperatively required to make out their tax-lists within thirty days after any district tax shall have been voted; and immediately thereafter to attach thereto their warrant and deliver it to the collector; at the same time giving notice to the inhabitants of the district, of such delivery, in order that they may be able to avail themselves of the provision authorizing payment to the collector, within two weeks thereafter, with one per cent only, as his fees.

By the existing provision, trustees are directed to make out their tax-list within the time herein specified; but in consequence of several decisions of the higher legal tribunals, that this provision was *directory merely*, and that tax-lists made *subsequently* to the expiration of the thirty days, were, notwithstanding, valid and legal, great delays have not unfrequently occurred in the assessment and collection of district taxes, which have sometimes resulted in manifest injustice and oppression. Changes of property and of the valuation of property have occurred; and the burden of the tax has often been made to fall heavily where it did not fairly or equitably belong. There is no good reason why taxes, voted for specific purposes, by the inhabitants of a district, should not be promptly and speedily assessed, in the mode prescribed by law; and when assessed, be collected as promptly as may be practicable. The provision authorizing a remission of four-fifths of the collector's fees, on voluntary payment within two weeks after the delivery of the warrant to that officer, was designed to encourage prompt payment; and in order to give effect to it, the inhabitants of the district, clearly, should have notice of the fact of such delivery, as otherwise they can, in the ordinary course of things, have no means of knowing when this privilege is secured to them.

7. Some more stringent and efficient provisions, to secure the *annual accountability of trustees*, have been incorporated, designed more particularly to meet the case of retiring trustees, and to carry into effect the manifest intention of the legislature.

8. In the case of *joint districts*, provisions have been inserted, by which the town superintendents of the several towns, from parts of which such districts

are composed, may be able to separate that portion of the statistical and other information contained in the annual reports, which relate to their respective towns.

9. The existing provisions of law, in reference to *teachers' institutes*, have been somewhat remodelled, in conformity with the views of the most experienced and practical teachers, and with the design of giving greater efficiency and utility to these valuable instrumentalities of education.

10. More ample facilities have been afforded for the establishment and organization of *schools for colored children*, wherever practicable. The education of this class of community should be liberally and adequately provided for, and, as far as possible, in the mode most in consonance with their own wishes, and best adapted to their improvement. Where a sufficient number of these children can be conveniently congregated into a school by themselves, they should be invested with all the rights, privileges, and immunities appertaining to other schools of the state; and where this is not practicable, they are, of course, entitled to admission on a footing of entire equality with other children in the schools of the district where they reside.

All of which is respectfully submitted.

SAM'L S. RANDALL.

ALBANY, January 1 1852.

Truth—the open, bold, honest truth, is always the wisest, always the safest for every one, in any and all circumstances.

Uneasy and ambitious gentility is always spurious. The garment which one has long worn never sits uncomfortable.

SCHOOL STATISTICS—STATE OF MAINE.

—The population in 1850 was 583,235; the number of polls, 105,539; the valuation, \$100,162,083; and the per cent. of school money raised by tax, .0027, or 2.7 mills on a dollar. The number of districts is 3,948; the number of male teachers, 2,706; female teachers, 3,921. The average wages of male teachers per month, exclusive of board, is \$16.66; the average wages of female teachers per week, exclusive of board, is \$1.48. The average length of schools is 18.8 weeks; 152 schools have been suspended during the year in consequence of the incompetency of teachers. Of the 3,608 school-houses, 1,596 are represented as good, and 2,013, bad. The number of school-houses built last year is 120. The whole number of scholars is 230,274, and the mean average attendance of the summer and winter terms is 103,794, being 45 per cent. of the whole number of children between 4 and 21 years of age. The whole amount of money raised by tax for the support of schools is \$264,551.17.

JOURNAL OF EDUCATION.

EDITORS: } S. S. RANDALL, of Albany.
 } JOSEPH McKEEN, of New-York.

ALBANY, FEBRUARY 1, 1852.

To the Readers of the District School Journal of Education:

The subscriber proposes to give a copy of the volume of the Hon. IRA MATHEW, A. M., late Superintendent of Public Instruction for the State of Michigan, on "POPULAR EDUCATION," to every person who will obtain SIX SUBSCRIBERS for the "Journal of Education" and remit three dollars for a year's subscription. This volume recently published by Harper & Brothers, ought to be in every Teacher's and in every Family Library; and it will be useful to the receivers of such a donation, and gratifying to me, if I have, under this obligation, to give a couple of hundred copies of that excellent work during the coming year.

JOSEPH McKEEN,

Sup't. Common Schools, New-York.

New-York, Aug't. 25, 1851.

We would call the special attention of the friends of education to that feature of the Report of the Commissioner of the School Code, which refers to the separation of the offices of State Superintendent and Secretary of State,—and the erection and thorough organization of an independent department of Common Schools,—as that can but commend itself to the common sense of all.

We surrender this number almost exclusively to the publication of the Report of S. S. RANDALL, Esq., as Commissioner of the School Code. In doing so we feel that we cannot render to the cause of popular education a greater or more acceptable service; and we most earnestly commend its able arguments, and wise suggestions, to the careful perusal and calm judgment of every citizen. From a long and anxious consideration of this subject, we are entirely satisfied that without the adoption of the measures proposed by the commissioner, it is idle to hope for anything like an advance in the great cause of popular instruction; and we further venture the belief, that no individual who will give to the subject his calm and dispassionate attention, can come to a different conclusion. If there is, in the whole great catalogue of human affairs, one single interest that outweighs, in importance, the educational interest, let it be named; if there is a single interest that is more neglected, what is it? This conviction is an overwhelming one, that while politics, internal improvements, agriculture, commerce, manufactures, &c. &c., are absorbing universal attention, the cause of education—the foundation of every other interest,—is left to lan-

guish, and almost to die, in the attention and regards of our citizens. Let this report then be read by every father, mother, patriot, philanthropist and christian, and let it awaken, on the part of all, a degree of action commensurate with the wisdom of its suggestions.

For the District School Journal of Education.

MAN'S RIGHTS.

In the beginning God created the Heavens and the Earth. The Earth was without form, and void, and whichever way the eye turned a thick darkness hid the deep. God commanded, "LET LIGHT BE," and light was. He could proceed no farther in His creation till He had beheld the created. He saw; and the rough earth before Him, He pronounced "good" for the purpose designed, viz: for the abode of MAN. He donned it with a beautiful green—bedecked it with herbs and flowers,—Nature smiled. Here and there thick shrubbery was seen; and ever and anon, the massive oak would raise his head, high towering, and as the gentle zephyr kissed the scene below, he paid obeisance to his God, and bowed in adoration to the glory around.

Earth was indeed beautiful! but not yet fitted for him who was to be the master-piece of His workmanship. The gentle rill, the babbling brook and the skipping waterfall, went merrily on, while the broad dark stream dashed, impetuous, as if in mad affright. The tender vine climbed, amorous, round the bramble, which raised her drooping head and kissed the first deep blush away, and smiled to think they ne'er were one. The forest looked, and smiled and wept, and smiled again, as a sister vine, in gentle garments clad, wove her soft tendrils round its rough exterior and leaned upon its rugged breast. The storm arose; the lofty oak, jealous of his trust, defied the angry blast, and proudly stood secure in the arms of love.

Thus was the created before its Creator! But man must not yet behold the scene, for the lesson is not complete. Nature is yet inanimate, and God must give to it a moving life. The birds pour forth their mellow notes in varied song; and beasts and creeping things listen with delight. The fishes catch the strain, and frolic in the bosom of the deep. The lion and the lamb embrace each other and lie down to quiet rest. Nature is still. God looks abroad, and with complacent mien, declares it—*Good!*

"The time is come," said He, "all things are ready—let us crown the whole—let us make one MAN (i. e., our image) to go forth and enjoy." The form was made. God breathed into it the breath of life, and man became a living soul. He arose—beheld the beauty, and God crowned him LORD OF ALL, saying, "Go, keep my vineyard, learn humility from the beauty around, and govern by the power of love. MAN walked forth in the beauty of his God."

Years and centuries have passed away. Floods have swept the earth, and dire pestilence has stalked abroad at noon-day. MAN had forgotten the lessons of his God, and his puny arm had defied His commands!

Look, oh! my soul, and weep; for man, once proud and God-like man, is fallen! and now see him there, clothed in his own filth—bearing his own curse! His mind is enervated and grovelling; his body is feeble, and its symmetry marred. He goeth forth in the morning, but his eye is dim and his step is wary: he returneth in the evening, but his downcast look tells the tale—there is a want within.

Thus goeth man to his long home, the bosom companion of distrust and dissatisfaction. And shall it ever be so? Shall he no more taste the rights of his creation? Shall God's design be frustrated?—His noblest work defamed? Ask Him who wept and bled and died, that man might be restored to himself and to his God. *The sacrifice was ACCEPTED—man must now answer for himself.*

Shall he continue thus to grovel on, without one taste of his birth right's joys? God forbid. Let humanity's pulse respond AMEN! and let common sense bring up the rear ere the echo's died away.

Man is, or was intended to be, a reasonable, or at least, a reasoning being. If any, from experience, are disposed to doubt this, we would call to mind God's own language,—“Come now and let us reason together.” He certainly would not have used this language if man, in those ancient days, could not do a little in this line. We admit that those days seem to be past; nevertheless, we conceive him capable of taking a hint; and we propose only to “hint at” some of the means which should be employed to discover, develop, and secure *Man's Rights*. These hints can be found in, what some may be pleased to call, the “flowery nonsense” just above.

Why should we pass through the world with one eye shut and the other blind, when God has given two perfect, open eyes? Let us look and learn, and from the *Book of Nature* read God's design. Why this world so beautiful but what we may catch the spirit and make it *Paradise*, below! Associations have their influence, and early associations leave impressions that time cannot wipe away. Can we not take the hint, and manifest our own sanity in the management of our children? What are the associations with which they are surrounded, from their earliest existence to manhood's prime? Torn from the parent's breast, an outcast in the nursery prison, then to linger in the cradle of heartlessness, and as its eye opens to enjoy the light and beauty of nature, to have it filled with smoked ceilings, broken chairs, and the loose frizzled hair of a half-dressed, sluttish creature called the “dear darling's nurse.” How disgusting for the little infant just pure from the hand of

God! O that we could know that infant's thoughts! What a volume! and how would that mother blush to read the tale! The impression has been made; wipe it away, ye who can, and leave no stain. 'Tis like the tiny mar on the acorn's tender shoot, which the sturdy oak holds, close folding, to his heart. If this is “condemned” by the master-builder of the ship, who shall dare present that as a fit pillar for the building of God? Christian mothers, think of this, and ye unchristian ones, if such there be, forget it not.

The variety in the transfer from the nursery to the school room, we will not attempt to portray. Where is the merchant whose counting-room is not more tasty: or the farmer, whose barn would not swell with vain conceit on comparison? It is a disgrace that these things are so, and should be a hiss and a by-word to all people. The curse is stamped upon us so that he that runs may read—a Yankee! True, “he is a great people” in his own estimation; and “we are a great country: here the lightning does his bidding, and the thunder of the ear wakes the dead (sleepers) and sends them to their long (ed for) home. Still, as a man, what is he? We do not mean as a gentleman, but as God's image, what is he? A perfect likeness as at his creation! Is he furthering Heaven's design—laboring for his own and other's happiness, without one secret wish for the misery of any? Is he cultivating to the best of his ability, those moral, social and intellectual faculties which mark him so distinctly from the brute? Has the beauty of nature cast over him her mantle, and is he now basking in her charms, with a soul beating in unison therewith? Nay, nay! The beauty he laughs at; God's image (what little he can trace,) he derides; and dashing furiously on, with a half-lordly, half-the-farthest-from-it-possible-mein, cries, in a stentorian voice, “Look-out for number one!” or, more cunningly keeps his own advice, and practices his own wisdom! Happiness, though held by him as the neplus ultra of human existence, he turns from with feelings akin to disgust, and eschews all the paths that lead thereto. Folly [called (worldly) wisdom,] is uppermost in his mind, and valued in dollars and cents, and whose cannot number, to his shame, is accursed! So it is.—Man's God is *Money*, and his DEVIL, *Mind*. He worships the former and avoids the latter, with a resolution and spirit that would do credit in their original sense.

* * * * *

Whosoever is wise for himself, O that man would learn wisdom—be true to himself—cultivate the “Spirit of Beauty” within his breast—develop his distinctive characteristics, and make a paradise on earth, and of his fellow mortals, sister spirits in Heaven! So may he live—so God permits.

J. B. W.

For the District School Journal of Education.

CLASSIC NOTES.

NO. II.

Case of Nouns.

The Nouns or names of a language, from their great importance, must, of necessity, be employed in important relations to each other, and to other classes of words. If there were no means of determining these relations, except the construction of the passage in which they occur, the sentential structure of language would be unvaried,—a wearisome monotony,—and many cases of inexplicable ambiguity would arise. The prominent relations were signified by the ancients by inflections, or changes of termination, and to these inflections the term *case* was applied.

In our language, the characteristic relations are the following: First, the relation of the subject to the verb, called Nominative case; second, the relation of the object of a transitive verb, called the Objective case; third, the relation of origin, authorship, ownership, possession, &c., called the Possessive case; and finally, the indefinite and varied relations expressed by *intercalary* words called Prepositions; and which, might, with propriety, be termed *Prepositive* case; it is however, called Objective, like the object or verbs; but my design, in this article, being to unfold *principles* rather than to contend for *terms*, I shall not remark further upon this inconsistency. Of these relations, the first two are known by the arrangement or general import of the clause; the third by its *form*; and the fourth by its connection with, and dependence upon the preposition which expresses it.

There are other ways of employing nouns than those I have mentioned; as, subject after verbs, absolute with a participle, independent in various forms, &c., &c.; such uses must be specially pointed out when they occur.

The term *case*, then, in our language, has somewhat of a mixed meaning, having reference alike, to the different relations which words may have, and to the manner which those relations are expressed. Thus, the Nom. case always denotes a particular relation; the Pos. case denotes a particular relation expressed by a particular form of the word; the Obj. case, as employed, denotes two entirely different kinds of relation, and different modes of expressing those relations; and if the term Objective were restricted to the object of verbs, and the term Prepositive used to express those relations indicated by prepositions, still, the latter term would imply something beside relation, as each preposition expresses of itself a relation differing from that expressed by any other. Again, the relation of possession, &c., is often expressed by a Preposition, when it is termed Objective case though the relation is by no means changed; only the *manner* in which the relation is expressed

Our Pronouns are subject to the same *principles* of relation as our Nouns, but differ from them in having a particular form for the Objective and *Prepositive* cases, by which they are distinguished from the Nominative and Possessive.

This subject admits of indefinite detail; but I forbear the wearying way—content if I may have suggested a topic which those who peruse this may of themselves profitably investigate.

E. W. K.

For the District School Journal of Education.

THE TEACHER'S PROFESSION.

BY H. H. SKINNER.

On casting my eyes over the educational map of the State, my soul sickens at the sight of our common schools. These institutions, the foundation of all the knowledge in community, notwithstanding all the efforts of the wise and good, who have labored so faithfully for their elevation, are in a most deplorable condition. We may laud our common school system as the most perfect which the world has ever seen, we may show that the present generation is "exalted to Heaven in point of privileges," but we are obliged to admit that the fruits are hardly worth the labor bestowed. I will not deny that there are many bright tints in this dark picture,—that there are many most pleasing exceptions to the charge of general degradation; but truth demands it at our hands to say, that, generally, they are not of a character to make the rising generation deeper thinkers, closer reasoners, more useful citizens, or better men! And who is accountable for this State of things? At whose door does the blame lie? for there is certainly blame somewhere! I might answer that every class in community is entitled to a damning share of culpability, but most, I fear, the teachers. Being at present employed in teaching, as I have been for the last few years, I may speak of "*the profession*," with a freedom which would ill become a person occupying a different situation.

I assume that upon the teachers mainly rests the efficiency of the common school system. We may fret and fume to our hearts' content,—we may belabor each other with hard words in regard to "Free Schools" or "Rate-Bills, voluntary or forced taxation; yet it avails nothing when compared with a good corps of well-informed, whole-souled teachers. Systems are the mere theory, while the teacher is the practical part of education.

I have in my mind's eye now, two teachers, who, in days "*lang syne*," instilled into my pliant mind some of the little good, as well as some of the great amount of evil, which make a part of me. The one, mild, obliging, kind, thoughtful, serious,—his whole walk and conversation indicating his appreciation of the dignity of his high and holy calling—religiously

scrupulous in the indulgence of his pleasures and passions, that his lessons might have the powerful impress of a spotless example; he was, to my boyish fancy, the *beau ideal* of a man. I well remember the bitter tears which his departure wrung from us, and I have endeavored to treasure up his wholesome precepts. Time will never erase them from my memory, as advancing age gives them a vigor and tone they possessed not in youth. With abilities that would well adorn any station in life, his modesty and unassuming demeanor hid from the public gaze, the most amiable traits in his character; but men are so constituted that they will eventually acknowledge genuine merit; and this man now discharges the duties of an important public office, with honor to himself and profit to his country.

I know another teacher when in days by-gone.

"With satchel and shining morning face,
I crept, like a snail, unwillingly,
To school."

He was a Scotchman by birth, and most inveterately given to tobacco,—morose and surley as Dr. Johnson and as cruel as Benedict Arnold. Well do I remember his treatment of our misdeeds. I have often presented my slate to him with a trembling hand, and an arm outstretched to its utmost limits, lest, at any time, I might come within striking distance. If unable to explain my figures in every particular, the penalty was a severe "*cuffing*," which oftentimes precipitated me upon the floor. Nothing must come between him and his favorite indulgence, *snuff-taking*; if his snuff happened to fail, then we betide the unlucky urchin who transgressed the smallest item of the law; a sound drubbing was the inevitable consequence. I remember him with a holy honor; his sweetest smile was a perfect bug-bear to all my boyish gaiety, and I am confident that many of the darker traits in my character were fostered under his unhappy guidance. The consequence of all this was, my utter detestation of school and all its appurtenances. Well do I recall to memory the day on which he left the school to his successor. I question whether the dying saint looks through present tribulation, to a brighter and sinless clime, with greater joy, or more heartfelt thanks, than I to the termination of school.

But it may perhaps be said, that this was a case of the past, and that a better state of things succeeded. I will not deny that such is the fact, generally, but there are still many instances of such teachers at the present time. They are a sort of vampire battenning upon the vitals of suffering humanity. The immodest, profane, impolite and unworthy teacher too often succeeds by dint of perseverance, in placing himself in situations of great responsibility, while the modest and unassuming are thrust into the background by blustering braggadocios.

If our schools are not to become a mere by-word,—a term of contempt and derision,—a greater amount

of care must be observed in the selection of teachers. We should not intrust the immortal interests of our offspring in the hands of every poltroon that travels our streets. We should search long and faithfully for the competent teacher, and when we have found him we should treasure him as a "pearl of great price."

BOOK NOTICES.

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WEBSTER'S DICTIONARY IN SCHOOLS.

Massachusetts and New York have introduced Webster's Quarto Dictionary into every district in those States. The proposition has been made to other States to imitate their example. The Vermont Legislature at their present session, have taken the subject into consideration. Some friends of common schools object to the expenditure as unnecessary and comparatively useless.

They say that scholars generally, would not consult the book; and that it would remain unopened from the beginning to the end of the school. This would depend entirely upon the teacher. If he set the example of consultation and taught his pupils the importance of frequent reference to this vast store-house of learning, the pupils could not fail to be benefited by its use. About a year ago, Mr. Merriam, one of the publishers of Webster's Quarto Dictionary, gave to the writer an order for a copy of that work to be used in some school under my eye, by way of experiment. I took the dictionary and placed it in a tuition school in the village, composed of pupils, varying in age, from four to eighteen years. I visited the school and informed the pupils that the book should be at their service if they would make good use of it. I also expressed a wish that all the scholars who could write, should keep small common place books and write down in them every word, which occurred in their lessons, of whose meaning they were in doubt, and hold themselves in readiness to report to their teacher, at any time, the number of words they had thus had occasion to look out in the dictionary. This plan was adopted and most of the pupils found a use for the new book. The older scholars consulted it quite often, so that there was some times, a number of petitioners for the book at the same time. The dictionary has now been used three terms; and the interest in it is unabated. The pupils have become more interested in finding every word they do not understand. They read with more intelligent

appreciation of their author and understand better the subjects studied in their text-books. The book has been well used and carefully handled, still it looks as much worn, as though it had been studied for years. I am satisfied from this trial, that Webster's Dictionary might be very profitably introduced into all our district schools. Money could scarcely be better expended by parents, than in the purchase of it for every district. This might be done by special vote in each district, where there is a desire to try the experiment. If the teacher is interested in the use of the dictionary, the scholars will be. It is very easy to call forth the ambition of a whole school by encouraging the use of common place books for recording both the words which are not understood, and their definitions. Let it be understood that these little books are to be exhibited at the examination of the school; and that pupils will be questioned as to the meaning of words which they have recorded in their own books, and there will be no want of interest in using the book. Let it be understood to be highly commendable in every pupil not to pass one word in his lesson which he could not define; and when one member of a class fails to explain a word he has used, let that word be put to all the class, or in case of failure there, to the whole school, and the interest in the book will become so great that instead of one copy a dozen will be wanted for the use of the school. No one who has examined Webster's Quarto Dictionary can doubt the utility of frequent reference to it. It is almost an Encyclopedia as well as a book of definitions. It not only gives the meaning of words but records their history; and strange as it may seem, the reading of such a book would not be so great a piece of folly as many suppose. The book which has been put into my hands, I intend to place in a district school the coming winter. After having made a fair trial of it there, I will report progress.

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